

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEGATUS; WEINGARTZ SUPPLY COMPANY;
and DANIEL WEINGARTZ, President of
Weingartz Supply Company,

Plaintiffs,

v.

Case No. 12-12061

KATHLEEN SEBELIUS, Secretary of the United
States Department of Health and Human
Services; UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES; HILDA
SOLIS, Secretary of the United States
Department of Labor; UNITED STATES
DEPARTMENT OF LABOR; TIMOTHY
GEITHNER, Secretary of the United States
Department of the Treasury; and UNITED
STATES DEPARTMENT OF THE TREASURY,

Defendants.

**ORDER GRANTING STAY OF DISTRICT COURT PROCEEDINGS AND
ADMINISTRATIVELY CLOSING CASE**

On October 31, 2012, the court entered an order granting in part and denying in part Plaintiffs' motion for a preliminary injunction. Both parties appealed the court's order to the Sixth Circuit on January 14, 2013. The parties have filed a joint motion to stay the proceedings in this court pending a final resolution by the Sixth Circuit. On January 31, 2013, the court held an on-the-record telephonic conference with the parties to discuss the motion. The Sixth Circuit will likely address the same legal issues that this court will consider if the case proceeds. The court finds that it would be

inefficient for the parties to concurrently litigate these issues in both courts. Granting a stay is warranted. Accordingly,

IT IS ORDERED that the joint motion to stay district court proceedings [Dkt. # 51] is GRANTED. The case is STAYED pending a final resolution by the Sixth Circuit of the parties' appeals. The injunction granted by this court on November 13, 2012, remains in effect during the pendency of the appeals. The Government is DIRECTED to continue to file its monthly status updates to the court as ordered on October 31, 2012.

IT IS FURTHER ORDERED that the clerk of the court is DIRECTED to close the case for statistical purposes only. Nothing in this order or in the related docket entry shall be considered a dismissal of this matter. Any party has the right, at any time, to reopen the case upon notice and move to lift the stay for further consideration. The case will be immediately reopened, with all rights preserved as of the date of this order.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 31, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 31, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522